



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

MEMORANDUM

DATE: January 9, 2015
TO: Independent and Political Committees Registered on State Level
FROM: Michigan Department of State, Bureau of Elections
SUBJECT: 2015 Campaign Statement Filing Deadlines

KEEP AND REFERENCE THROUGH 2015

Carefully review this memo to ensure that you are aware of the filings required of your committee during 2015. This memo provides filing information for 2015. Please keep this in a handy place for easy and quick reference.

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Filing Reminder Communications

This memorandum or memo will be the main correspondence provided by the Bureau of Elections regarding filing requirements for the 2015 calendar year. It is also available on our website: www.Michigan.gov/elections. Select “[Campaign Finance Disclosure](#)” on the left and find it in the “Spotlight” section.

The following reminders will be sent by the Bureau of Elections. All reminders are sent as a courtesy. Failure to receive a reminder does not exempt the committee from filing statements timely.

- This memo serves as a reminder to file the 2015 February Quarterly Campaign Statement due on February 17, 2015. No postcard reminder will be sent by regular mail for the 2015 February Quarterly Campaign Statement.
- The Bureau of Elections will send a postcard reminder before the 2015 April, July and October Quarterly Campaign Statements to the committees mailing address on record.
- The Bureau of Elections will send an email reminder before each filing deadline to committees that have provided at least one email address on the committee’s Statement of Organization. All email addresses provided will be used to notify the committee.
- Finally, the Bureau of Elections will post filing reminders on Twitter @MichCFR.

Committees are encouraged to keep the committee’s information up-to-date to ensure that reminders sent by the Bureau are received by the committee. Amending the Statement of Organization form is outlined later in this memo.

Electronic Filing Requirement

Committees that spent or received \$5,000.00 or more in 2014 or that expect to spend or receive \$5,000.00 or more in 2015 are required by law to file electronically. A committee may become subject to the electronic filing requirement mid-year if its contributions or expenditures equal or exceed \$5,000.00. In this case, the committee is required to **notify this office within 10 business days of reaching the threshold**. Once the electronic filing requirement is met, a committee is required to file all subsequent statements electronically even if the committee’s balance falls below \$5,000.00. Committees that are not required to file electronically are encouraged to voluntarily file electronically.

Electronic filing software for filing campaign statements is provided free of charge. A separate internet application is provided for filing Late Contribution Reports. For additional information on filing electronically, go to www.michigan.gov/elections.

1. “[Campaign Finance Disclosure](#)”
2. “[E-Filing](#)”

Tips for MERTS Users

Back up your MERTS file! Having an extra copy of your file on a separate removable media is essential to ensure the committee is able to file accurate statements in the event of a catastrophic loss of data. It happens more often than you think! The Bureau of Elections does not have a copy of the committee's .DCF or back-up file.

Only create one file for the committee. To ensure accurate filings, the committee must create and use only one file in MERTS. A new report is created in the **Reports** tab, not by creating a new committee file. After your initial set up of the committee, always select “**Open an Existing Committee**” upon opening the software.

Create Campaigns. Instructions for creating Campaigns in the software can be found in the [MERTS User Guide](#). Using Campaigns is required to ensure that the software is able to accurately calculate cumulative totals so the committee files complete statements. Committees that do not create Campaigns will receive a Notice of Error or Omission requesting the missing information.

Check the Election Cycles to ensure the current cycles are added. Enter a new [Election Cycle](#) for each unique term and election date combined for those candidates and ballot questions that the committee makes expenditures on behalf of. Go to the View menu and select Election Cycles to enter a new cycle. Below are examples of possible election cycles for the November 2016 elections and the 2018 election for State Senate.

SUGGESTED NAME (ELECTION YEAR AND TERM LENGTH)	COMMON OFFICES	CYCLE TO/FROM DATES
2016 2 Year	State Rep, Statewide BQs	11/5/2014 – 11/8/2016
2016 4 Year	Local 4 Year Offices	11/7/2012 – 11/8/2016
2016 6 Year	Judges	11/3/2010 – 11/8/2016
2016 8 Year	Justices and Statewide Boards	11/5/2008 – 11/8/2016
2018 4 Year	State Senate	11/5/2014 – 11/6/2018

Start entering data early and file early. Do not wait for the Close of Books to begin adding information. The data can be saved and changed as needed before the filing deadline. Do not forget to **back-up** the file after each session.

Webinar Training Schedule

The 2015 MERTS and Compliance Training Schedule is posted to our website at www.michigan.gov/elections. Select “Campaign Finance Disclosure” on the left and find it in the “Spotlight” section.

Required Campaign Statements

All independent committees and political committees that do not maintain a Reporting Waiver are required to file the campaign statements listed in the schedule below. All campaign statements are **due by 5:00pm** on the due date. The campaign statement is required even if the committee has no transactions to report for the period covered by the campaign statement.

Close of books for February Quarterly	February 10, 2015
February Quarterly filing deadline	February 17, 2015
Close of books for April Quarterly	April 20, 2015
April Quarterly filing deadline	April 27, 2015
Close of books for July Quarterly	July 20, 2015
July Quarterly filing deadline	July 27, 2015
Close of books for October Quarterly	October 20, 2015
October Quarterly filing deadline	October 26, 2015

Note: These statements are waived by obtaining the Reporting Waiver. A Reporting Waiver maintained by an independent or political committee is lost if the committee spends or receives more than \$1,000.00 in a calendar year, has an ending balance over \$1,000.00, or has over \$1,000.00 in debts.

Coverage Dates of Statements

Campaign statements open one day after the closing date of the previous statement. If the committee has never filed a campaign statement, the first campaign statement filed opens on the earlier of the following two dates:

- 1) the committee's formation date or
- 2) the date the committee accepted its first contribution or made its first expenditure.

Forms; Number of Copies Required

A committee required to file electronically cannot file paper forms in lieu of filing electronically. See the *Electronic Filing Requirement* section above for more information. If the committee is eligible to file on paper, [forms](#) for filing campaign statements are available on our website at www.Michigan.gov/elections.

- When filing electronically, a paper submission is not required.
- When filing on paper, one original copy of the campaign statement is required. A duplicate copy is not required.

48 Hour Reports/Late Contribution Reports – Failing to File will be Expensive!

A committee that participates in an election in 2015 is required to file a [48 Hour/Late Contribution Report](#) if the committee meets both conditions stipulated below:

- Makes an expenditure during the late contribution reporting period to a ballot question or candidate appearing on the ballot; and
- Receives a single contribution or cumulative contribution from the same person of \$2,500.00 during the late contribution reporting period. See chart below.

Election Date	Late Contribution Reporting Period
February 24, 2015	02-11-2015 through 02-21-2015
May 5, 2015	04-21-2015 through 05-02-2015
August 4, 2015	07-21-2015 through 08-01-2015
November 3, 2015	10-21-2015 through 10-31-2015

A 48 Hour/Late Contribution Report must be received by this office within 48 hours after the committee's receipt of the contribution. A 48 Hour/Late Contribution Report must contain the date and amount of the contribution along with the contributor's name, street address, occupation, employer and principal place of business. The late contribution must also be disclosed on the next campaign statement filed by the committee.

SPECIAL NOTE: Late filing fees will be assessed for missed late contributions that are not reported timely and later reported on a campaign statement.

Committees that file electronically must use e-IDR (Immediate Disclosure Reporting) to file 48 Hour/Late Contribution Reports. However, committees that file paper reports are encouraged to use the e-IDR program voluntarily. Late filing fees will be assessed in instances where reports that must be submitted electronically are not filed using e-IDR.

To file using e-IDR, go to www.Michigan.gov/elections and select:

1. [“Campaign Finance Disclosure”](#)
2. [“E-Filing”](#)
3. [“Immediate Disclosure Reports \(e-IDR\)”](#)

For committees not required to file electronically and that choose not to use the e-IDR Internet application, the report may be submitted by fax or any other means of written communication. The fax number for the Bureau of Elections is (517) 373-0941. A 48 Hour/Late Contribution Report need not contain an original signature. A form for filing a 48 Hour/Late Contribution Report on paper is available on our website at www.Michigan.gov/elections.

- 48 Hour/Late Contribution Reports are not waived by a Reporting Waiver.

A committee treasurer or designated record keeper who fails to file a 48 Hour/Late Contribution Report is responsible for the payment of a late filing fee up to \$2,000.00. **NOTE:** [Appendix E](#) of the PAC Manual details how quickly this fee accumulates.

Special Election Independent Expenditure Reports

An independent or political committee registered on the state level is required to file a Special Election Independent Expenditure Report if the committee makes an independent expenditure to support or oppose a candidate or ballot question within 45 calendar days before a special election in which the candidate or ballot question is involved.

"Independent expenditure" means an expenditure by a person if the expenditure is not made at the direction of, or under the control of, another person and if the expenditure is not a contribution to a committee.

The report must be filed with the Department of State's Bureau of Elections within 48 hours after the independent expenditure is made. The report is waived if the committee makes the independent expenditure before the closing date of a Campaign Statement that is due before the date of the Special Election and the independent expenditure is included in that Campaign Statement.

Election Date	Special Election Independent Expenditure Reporting Period
February 24, 2015	01-10-2015 through 02-21-2015
May 5, 2015	03-21-2015 through 05-02-2015
August 4, 2015	06-20-2015 through 08-01-2015
November 3, 2015	09-19-2015 through 10-31-2015

- Special Election Independent Expenditure Reports are not waived by a Reporting Waiver.

Committees that are required to file electronically must submit Special Election Independent Expenditure Reports using e-IDR. To file using e-IDR, go to www.Michigan.gov/elections and select:

1. ["Campaign Finance Disclosure"](#)
 2. ["E-Filing"](#)
 3. ["Immediate Disclosure Reports \(e-IDR\)"](#)
- For paper filers, a Special Election Independent Expenditure Report is made by attaching an Itemized Independent Expenditures Schedule (2B-1) to a campaign statement cover page, entering the appropriate information and submitting the forms within the 48-hour period explained above. The cover page must list the committee's name and identification number and be signed by the committee's treasurer or designated record keeper. The Itemized Independent Expenditures Schedule must list the date and the amount of the independent

expenditure, the name of the candidate and the office he or she seeks, the name and address of the person to whom the independent expenditure was paid, and a description of the independent expenditure which specifies whether the independent expenditure was made to support or oppose the candidate or ballot question involved. The Summary Page is not completed.

- An Independent Expenditure must be listed on the committee's next required campaign statement.
- If the committee raised **\$10,000.00 or less** during the previous 2 years, a \$25.00 late filing fee will be assessed each business day the report remains unfiled up to \$500.00.
- If the committee raised **more than \$10,000.00** during the previous two years, the maximum fee which may be assessed is increased to \$1,000.00.

Ensure Timely Filing

An electronic filing sent via the internet must be transmitted and received by the Bureau of Elections by 5:00 p.m. on the date the campaign statement is due.

A campaign statement that is hand-delivered or sent by first class mail must reach this office before 5:00 p.m. on the date the campaign statement is due. Be sure to allow ample mailing time if sending first class.

A **"February 17"** Campaign Statement or an **"April 27"** Campaign Statement submitted on paper or removable media that is mailed by registered mail, certified mail or an overnight delivery service and postmarked **on or before the filing deadline** will be accepted as timely regardless of when it arrives.

A **"July 27"** Campaign Statement or an **"October 26"** Campaign Statement submitted on paper or removable media that is mailed by registered mail, certified mail or an overnight delivery service and postmarked **two or more calendar days before the filing deadline** will be accepted as timely regardless of when it arrives.

Avoid Late Filing Fees!

Campaign statements are required to be filed timely. Committees that file campaign statements late are assessed [late filing fees](#).

- If the committee raised **\$10,000.00 or less** during the previous 2 years, a \$25.00 late filing fee will be assessed each business day the campaign statement remains unfiled up to \$500.00.
- If the committee raised **more than \$10,000.00** during the previous 2 years, the maximum fee which will be assessed is increased to \$1,000.00.

Accurate Campaign Statements Required

Be sure to include complete and accurate information on the statement forms. Notices will be sent to the committee if forms are omitted, figures or cumulative totals are wrong, required information is missing, etc. The committee is then required to file an amendment to correct the error. Note: For information on calculating cumulative contributions, see the [Election Cycles Chart](#) on our website.

- A campaign statement submitted on paper by a committee required to file electronically will not be accepted.
- A campaign statement that is filed by removable media will not be considered filed if it cannot be loaded due to circumstances that are not within the department's control including missing files, incorrect file attachments or corrupt files.
- A campaign statement will not be accepted if it is illegible, does not bear a proper signature or is not the proper size.

Reporting Waiver Provisions

A committee that does not expect to spend or receive more than \$1,000.00 **in a calendar year** is eligible for a [Reporting Waiver](#). A committee that is granted a Reporting Waiver is **exempt from filing future campaign statements**. (Note: This does not exempt the committee from filing 48 Hour Reports/Late Contribution Reports or Special Election Independent Expenditure Reports.)

To request a Reporting Waiver, the committee must check “YES” on item 10 on an original or amended Statement of Organization. This tells the filing official that the committee does not expect to spend or receive more than \$1,000.00 in a calendar year.

- A committee that does not check “YES” on item 10 on its Statement of Organization must file campaign statements regardless of the amount received or spent during the reporting period.
- A Reporting Waiver **cannot be applied retroactively** to avoid the filing of required campaign statements or paying late filing fees.
- A committee loses its Reporting Waiver if it spends or receives more than \$1,000.00 in a calendar year. Note that funds leftover at the end of the year count toward the amount received for the next calendar year. If the Reporting Waiver is lost, the committee must file the next required campaign statement.

Statement of Organization Amendments Required With Campaign Statement

We urge you to review your committee's [Statement of Organization](#) before you file a campaign statement. If any information on the Statement of Organization has changed, be sure to file an

appropriate amendment to the form **no later than the due date of the next campaign statement**. The committee is encouraged to file an amended Statement of Organization as soon as a change of information takes place. An amended Statement of Organization **cannot be filed electronically**.

If a committee has a Reporting Waiver and is not required to file campaign statements, amendments to the Statement of Organization may be filed any time information on the form changes.

To download a Statement of Organization form for Independent Committees and Political Committees go to www.Michigan.gov/elections and select:

1. "Campaign Finance Disclosure"
2. "Independent/Political (PAC) Committees."

Committees are responsible for notifying the Bureau of Elections when the committee's mailing address changes. Failure to receive correspondence from the Bureau of Elections is not a defense for failing to file a required statement timely.

2010 Citizens United Supreme Court Decision

With the 2010 Supreme Court decision, corporations, labor unions, or domestic dependent sovereigns may use their treasury funds for independent expenditures on behalf of state or local candidates. Corporations, labor unions, or domestic dependent sovereigns participating in this manner must comply with the MCFA [registration and reporting requirements](#). Committees registered under this new provision are commonly referred to as Independent Expenditure Committees or SuperPACs.

Independent Expenditure Committees/SuperPACs are reminded that corporations, labor unions, or domestic dependent sovereigns remain prohibited from using their general treasury funds to make contributions directly to candidate committees, independent committees, political committees, political party committees, or House or Senate political party caucus committees.

Identification Requirements

Independent and political committees are required to add the statement "**paid for with regulated funds**" to the identification or disclaimer included on printed matter or in paid radio or television advertisements. The use of the phrase, "Paid for with regulated funds by (name and address of committee)" is recommended.

PA 252 signed by the Governor on December 27, 2013 with immediate effect requires committees to provide an identification statement on mass mailings that in express terms advocate the election or defeat of a clearly identified candidate or ballot question. "Mass mailing" means a mailing by United States mail or facsimile of more than 500 pieces of mail matter of an identical or substantially similar nature within any 30-day period.

In addition, the amendment requires committees to provide an identification statement on prerecorded telephone messages or robo-calls that in express terms advocates the election or defeat of a clearly identified candidate or ballot question. The identifier must contain the name, telephone number, address or other contact information of the person paying for the robo-call.

See [Appendix J](#) of the Political and Independent Committee Manual for more information.

Dissolution Information

Committees that no longer participate in Michigan elections are encouraged to dissolve. A dissolved committee has no further filing obligations. Please refer to [Appendix W](#) of the Political and Independent Committee Manual for more information.

Questions?

If you have any questions, please contact us using the information below. The address below should also be used to mail your filing by first class mail, registered mail or certified mail.

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If you would like to visit our office or use an overnight delivery service, the address below is provided.

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